THE
Hindu Message

A Weekly Review of Indian and World-Problems
from the Hindu Standpoint.

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The Hindu Message stands for
(1) Self-Government for India within the British Commonwealth,
(2) Co-operation with the different communities of India without prejudice to Hindu Dharma,
(3) Education of the Hindus as an integral part of the Indian Nation,
(4) Advancement of Material prosperity on a spiritual basis and
(5) Dissemination of pure Hindu Culture.

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A Vision of India.

INDIA'S PLACES OF PILGRIMAGE.

By K. S. Ramaswami Sastri, B.A. B.L.,

The western seas beat on great Dwaraka,
For does not Vishnu love the heaving sea?
Who can e'er know His will's deep mystery?
When from the Earth He did His form withdraw
He bade the leashe'd ocean nearer draw
And guard the city's sweet still ecstacy
From sinful feet, and with its melody
Soothe His town's heart and thus obey the Law.
And at the eastern end a readiant shrine
Hath sprung anew at His divine command
To soothe the aching heart of this New Age.
At Dakshineswar shines a happy sign
That grace hath dawned again upon our land
And draws our souls to go on pilgrimage.

Owing to stock-taking in the Press consequent on its transference to The Sri Vani Vilas Syndicate Ltd., the printing of this issue has been unavoidably delayed. Hence we are issuing this and the next issue as Double Nos., to make up for lost time. From the new year the Journal will issue regularly every week.

The Medical Supplement also is for the same reason withheld from these two Double issues. From the new year it will also appear punctually.

MANAGER,
Hindu Message,
Srirangam.

A Song of Super-life.

(By an Indian Dreamer.)

X

The stream has come from far leaving its distant mountain home and wandering through hills and dales and silent villages and sullying towns.

It has received tributaries on its way and sent many a channel full of its message of life to distant thirsting fields.

It has seen smiles and frowns on the face of the sky and has felt the caresses of the southern breeze and the castigations of the roaring storm :

It is now near the boundless patient sighing sea.

When shall they meet and mingle ?

XI

All around me is smiling and gay and fair.

The amorous breeze caresses the cheek of the lake which curves into sweet love-dimples.

The young morning sun comes like a young king to his throne.

The earth laughs in flowers like a blooming bride.

The birds are singing their songs of love and joy on the blossomed and fruit-laden trees.

The fields are golden with ripening corn.

The villagers rejoice in their harvests of golden grain.

I thrill with the rapture of His revealed Grace.

Events of the Week.

The Pope has addressed an encyclical to Catholic Bishops pointing out the necessity of reconstruction of society and restoration of peace throughout the world. He expresses joy that all nations except Italy are now on friendly terms with the Holy Sea. He announces that he will probably call a great meeting of the episcopal world in Rome during the approaching jubilee year which will be the continuation of the Ecumenical Council held at Vatican in 1870. He hopes that all still outside the Church of Christ may enter it and says this hope is encouraged by the fact that almost all States of the world have entered into relations with the Apostolic See. He regrets that his country which is the centre of the papacy is not represented and protests against the papal situation in Italy. He says that Italy has nothing to fear from the Holy See. He condemns divorce, improper dances, and improper fashions.

* * *

At a public meeting of the Hindus held at the Sanatan Dharma Sabha, Gaya, under the presidency of Pandit Tara Charan Bhatta, the following resolution was unanimously passed: That this meeting of the orthodox Hindus views with alarm the attempts made by some interested persons who seem to have employed agents to raise an agitation in the Congress and other aasemblies favouring the making over of the temple of Sri Buddha Bhagwan, an incarnation of God Vishnu, at Bodh Gaya to Buddhist from the Hindu Sanyasi, inasmuch as Budh Gaya is a sacred place for all Hindus who are enjoined by their religion to offer pindas there while performing Gaya Sradh and as such attempts are to alienate and offend the religious susceptibilities of the Hindu public.

* * *

A Monghyr telegram states that Swami Bharati Krishna Tirtha, the Sankaracharya of Dwaraka has been sentenced to one year's rigorous imprisonment under Section 108 Criminal Procedure Code.

* * *

The following special cable, dated Durban, December 21, appears in the *Bombay Chronicle*.

Natal Indians appeal to the Indian National Congress and other institutions to pass resolutions and take other action against the Durban Land Alienation Ordinance, the Tramway Ordinance and the Railway Law, establishing the principle of segregation; against attempts at disenfranchising Indians from townships, depriving the power of appeal and rural licenses; against medical fees on the Colonial born Indians since the Privy Council decision vide the Trust Board vs. Govindaswamy enabling the law previously applied in a limited sense now fully enforced against all Colonial born Indian employees; against the immigration regulation to obtain identity certificate for every movement out of Natal necessitating minute statements each time to the disadvantage of Indians. We urge that the identity certificate once issued be not taken back and be sufficient proof of the holder's right for free movement.

The situation created by the ordinances specifically referred to in the above is very serious and the question is not easy of solution, but publicists in this country, impotent as they seem to be, must cast about ways for meeting the situation which according to *the Hindu* is growing ominous.

* * *

The Madras Mail pertinently observes:— The condemnation, unheard, of Sergeant Andrews by the Government of India and his subsequent prosecution under this order is one of the most disgraceful episodes in the history of bureaucracy in India. It is unfortunately a common thing in civilisation for high officials to be shielded and whitewashed and for subordinates to be sacrificed for the blunders of their superiors, but to the credit of the British justice this unfair treatment has not often gone to the extent of a criminal prosecution and the possibility of imprisonment.

The breathing of the rarefied air of Simla has strange results. If the Government of India never thought that Sergeant Andrews would be convicted, it was outrageous that he should have had to submit to a criminal prosecution and have been exposed to the risk of imprisonment. Whatever the motive of Simla in ordering the prosecution of Sergeant Andrews it was unanimously seen through and condemned by normal people as the cowardly selection of a scapegoat, and the acquittal of the victim has further condemned the Olympians in a court of law. We hope that the prosecution will be the subject of a question in the House of Commons. Subordinates should be safe from torture to save the skins of superiors. Sergeant Andrews has gone through an ordeal for which he can never be adequately compensated, but for which he deserves some compensation. Perhaps those who were in charge in Malabar at the time of the rebellion will raise a subscription for him! If anything had been needed to prove the frivolous grounds for the charge the evidence produced by the prosecution has proved it. It was pitifully weak and Mr. Nugent Grant riddled it with ease. The cross-examination of Dr. O'Connor alone showed how absurd was the Knapp Report statement of a 'loud and unusual clamour', on which the complaint was based, and how carelessly the Knapp Committee did their work. The Public Prosecutor had to admit that 'loud and unusual clamour' had not perhaps been proved.' We trust that the last has not been heard of the Sergeant Andrews case and that something will be done to atone for the crime of prosecuting him.

* * *

'Swarajya' says.—The speech of Dr. Sapru at the farewell luncheon in Delhi is frank and interesting. He repudiated the doctrine that the be-all and end-all of India's political life was the new Government of India Act. He admitted the shortcomings of the Act—a statement, which if it came from another, would be regarded as a heresay in Moderate circles. He welcomed the Nationalists into the Councils, and went even to the length of saying that India is both for Co-operators and Non-co-operators. All this is very pleasing indeed. But then, before he leaves the shackles of the Government of India, should he not answer one question? Who was responsible for that flagrant misuse of Secs. 144, 107, 108 of the Criminal Procedure Code which thrust so many of our distinguished leaders into prison? Whose was that ingenious and versatile brain which suggested this all-potent remedy to all the ills of Non-co-operation? We hope Dr. Sapru will find an early opportunity to enlighten his countrymen on that matter.

* * *

'New Empire' observes:—Non-violence in thought, language or deed is repugnant to Maharashtrian nature. The meeting of the no-change party at Virar is described by a pro-Council journal of Poona as composed of "Tadpoles and Tapers, Fizkins and Slumkeys, Poodles and Doodles," "The motley gathering of goondas and hooligans." Aprops the allegation that the pandal clock was tampered with by some one belonging to the no-change party, we are told that "those who know at close quarters the reptile non-co-operators of Poona will not need to be told that they are capable of any hellish deed worthy of a pandemonium, what of manipulating a mere clock." The leaders of the no-change party are denying the charge of violence on its part at the meeting, and to this the reply of the journal is "One person from the gang assembled at Virar, who is reputed to be the 'greatest scoundrel' of the Maharashtra No-Change-wallas' has the shameless audacity to come forward with an explanation of their devilish doing at Virar".

* * *

The following attempt at rhyming will be found interesting:—

Foreign cloth I pray discard:
Weave pure khadder by the yard
Get a charka make it spin
It will keep you from all sin.
Khadder is not very fine
But it's made by your own kind
Silk and laces do not wear
They are only made to tear
Start to weave now, do your duty
It will lessen the foreigners' booty
Hear the words of India's leader
Free her from those who bleed her

The Hindu Message

Dharma and Life—XXIII.

The Causes of War,—in India and in Europe.

A living English writer says :—" The causes of war, as of anything else, are not to be found in events. No event is, or could be, related to another event as cause and effect. Events are caused by forces, and the events of history are caused by men, who in their turn are governed by their minds. The causes of events are therefore in men's minds." (*Fielding Hall*). One alleged peculiarity in the European mind is that it has developed the *sentiment of "patriotism.*" Every European Community and individual wants to see that its own country should possess the largest amount of glory, dignity, prestige, and influence in the world. The vast increase of armaments in every country nation in the world against which the recent Washington Conference was aimed is due mainly to this circumstance. On the other hand, in India, we have always risen above this narrow ideal to some thing broader and more Cosmopolitan and Universal. Sankaracharya says in a very famous Sloka :—" My mother is the goddess Parvati ; my father is the God Paramesvara ; all bhaktas (worshippers) of Siva are my blood-connections ; my own native land (*Svadesa*) comprises all the three worlds." Sankaracharya here clearly means by "*Siva-bhaktas*" only the inhabitants of all the world's —for he expressly states that his Native land refers *not* to any one country, with its limited population, but to all three worlds. He (Sankaracharya) denied that he had any one country as his own, and he looked on all men as brothers. Swami Vivekakananda, too, has told us that India is the only country in the world where no one is regarded as a foreigner,—it is, in fact, " the only country to which all souls must come, wending their way to God." Freedom from the bondage of Samsara is the one aim of the Sanatana Dharma, and all souls claim, during their life here, to rise to their highest conception of Dharma and to salvation through Dharma as its goal. Hence, India is a holy land of deliverance from the bondage of matter and of soul-realisation for all men, and belongs therefore to no one community of men in particular. Hence, we, Indians, have only *recently* imported, into this country, *the " ideal of patriotism.*" It is this sentiment of *communal selfishness and patriotism* that is at the bottom of the "*hatred*" which the belligerent nations on both sides in the recent world-war felt for each other, and do still feel even after the war. It is also responsible for the "*pride*" which each European Nation feels. On account of its own achievements, and wealth and possessions, This pride, in its turn, begets *envy* in each less fortunate or less wealthy country for that which is more wealthy and successful. It is these circumstances that account for the swollen armaments of each of the Great Powers of Europe and of the tremendous preparation for aggression on all sides made by Germany in order to everthrow the might of Great Britain and its treaty of alliance with France.

In the *second* place, each great Western Nation and power wants to build up for itself the status of a World-Power by taking possession—by means fair or foul—of the territories, and by exploiting or controlling the resources, of the weak and unorganised peoples and races of Asia and Africa. People talk lightly of "*West for East and East for West;*" —but the truth is that the West aims not at what is called " mutual development,"—but at the gradual emasculation and deterioration, and demoralisation of the East through a growing " struggle for existence," economic and cultural. At first, forcible methods were attempted. As Mr. Soothill says :— "Force may have had its value in the past, but it will not solve our problem." It is, hower, used, whenever it promises to succeed. But ordinarily, the powerful exploiting races of the West work by various subterranean influences to " keep up the civil wars, the floods, and fumes, and plagues, the infant mortality, and the struggle for existence " of the less organised races and people. But the application of various forcible and coercive methods, and even wars, are not of infrequent occurrence. *All these facts, however, apply to such countries as China and Moslem lands,—not to India.* Our object here is only to show *one of the chief causes of modern wars in various parts of the world.* India has now settled down to a peaceful course of development, political

and economic, under her able and progressive rulers. Hence, no guestion of *wars*, national or racial, can arise here. Our Vedic Dharma is of great help to us now by bringing about the conciliation and the consolidation of races and communities through its gentle methods of influencing the minds and culture of the members of all Indian communities.

A *ihird* cause of war is the unnumbered failures of European civilisation. The progress of science has produced the deadliest weapons for use in killing men *in masse*. The system of elections for members of parliament has developed numerous evils,—*Viz.*, cancus organisations, the issuing of lying election manifestoes, the rise of the "boss" and lastly the unsexing of women by securing them votes. Lastly, though the formation of vast imperial states has put an end to actual wars on the field of battle, it has brought increased strife among the various communities comprised in the imperial common wealths on the floors of parliaments, or by the promotion of social hatreds and racial exclusiveness, or by bringing about the conflicts of labour and capital. Syndicalisn, Anarchism, and communism have produced a wide-spread ferment. At any moment, social strife, industrial rivalries and jealousies, and wide-spread dissentions and divergences on matters religious and educational, or of conventional morality, might result in civil war, or something akin to it. It has been well said that conflicts of various sorts may all be comprised under the designation of being "*Nature's methord of curing hidden diseases*" bodily, communal, cultural, and economical.

All these circumstances are true, indeed, of other countries, other systems of civilisation, and other ideals of society. In India, however, as already stated, we recognise that war is one of the laws of our Sanatana Dharma. War finds its sufficient reason and essential justification in the needs of life political social and individual. In the *first* place, there is need for a specialisation of human faculties and energies. The Indian system of Varnas has ever comprised a Khatriya Varna with hearts of steel and faculties of endurance and resistance absolutely unrivalled in the annals of human society. Rama, Bhishma, Arjuna, &c., are no doubt extreme instances of martial development even among the Kshattriyas,—but we are sometimes best able to arrive at a just estimate of the true significance of facts by considering extreme, and not the average, instances and cases where it is developed and exhibited. Their exploits, adventures, and achievements are absolutely unique and unexampled in the annals of the human race. All of them achieved their triumphs as members of the Kshatriya Varna and pursued the calling of war as a *Dharma*, and not from any of the motives or causes which have been pointed out above as leading to war in foreign societies with a civilisation and aims and organisation different from the ancient Aryan and Hindu social system. In India, war is always resorted to as an *ultimate* resource when all others have failed, and only in cases where the most patent and absolute rules of Dharma have been violated or set at naught in the most wanton and wicked manner. War acts as a safety-valve, and is not left to be determined according to nature's methods in cases where, if a fever or a storm, or an earthquake does not arise, the result would be the patients death or the havoc and destruction of cities or districts or even a wholesale submergence of an island or continent by the operation of some gigantic and irresistible force or agency of unknown character or incalculable extent and duration. In the *second* place, Indian wars were never known to be, as they are now, merely mechanical modes of slaughtering your fellow-men. Indian war was a Dharma,—a law of righteousness, a means for the soul's elevation to higher worlds of bliss and enjoyment, and a final method or expedient of obtaining redress for injuries sustained from a foe,—such as encroachment on one's rights to a kingdom, property, suzerainty, and so on. In the *third* place, we do not need what has been called "*the moral equivalent of war*," or indeed anything else in the shape of an equivalent. The obvious reason is that nothing can take the place of war,—for it is itself the *final resort* when other means of gaining our ends have been tried and found wanting, and is itself a rule of Dharma, to be put into force under the restrictions prescribed for its operation and adoption. As to the suggestion regarding the "moral equivalent of war," the late Professor James has said:—"We have grown literally afraid to be poor. We despise any one who elects to be poor in order to simplify and save his inner life. If he does not join in the general scramble and part with the money-making market, we deem him spiritless and lacking in ambition. We hava lost the power even of imagining what the ancient idealisation of poverty could have meant; the liberation from material attachment; the unbribed soul; the manlier indifference; the paying our way by what we are or do and not by what we have; the right to fling away life at any moment irresponsibly,—the more ethletic trim—in short the

moral fighting shape. When we of the so-called better classes are scared as men were never scared in history at material ugliness and hardship when we put off our marriage until our home can be artistic and quake at the thought of having a child without a banking account and doomed to manual labour, it is time for thinking men to protest against so unmanly and irreligious a state of opinion. I recommend this matter to your serious tendering, for it is certain that the prevalent fear of poverty is the worst moral disease from which our civilisation suffers..' All this may be true of Western society. But we do not see how poverty and its trials, however firmly and unflinchingly met and endured can dispense with war, or be "an equivalent of war," in any sense. In India, our Sannyasins voluntarily accept the vows of poverty and wandering about without a home either to accomplish their own spiritual perfection or carry spiritual teaching to the masses so as to make them conform to the precepts of Dharma. But this high ideal is always reserved for the few individuals who are favourably situated for its adoption. For all others and for the community as a whole, poverty is not desirable or feasible and can only land them in troubles and perils of all kinds. Especially, in our Raja-Dharma, the King is always called on to secure a full "treasury" and keep it well-guarded and replenished from time to time. The *Santi-Parva* lays down that the power and position of the King and his state cannot be maintained if he neglects his *Kosa* (treasury). A King, as we have already more than once pointed out, is called on to take taxes from his subjects, but to spend his resources in promoting his people's happiness. No King can maintain himself in strength or his subjects in comfort and peace, if he neglect the meteral resources of his state. A king who fails here can never maintain himself against his enemies in times of trouble and is sure to bring ruin upon himself and his people in the end. War is itself an act of Dharma,—and a King and his people must be rich and steadily grow in their productive resources if they are to earn divine grace by the practice of His Dharmic laws and commands. It is only the individual—and one who has reached a high state of spiritual development—that can rise to the practice of *Akinchanya* (owing no property). The Gita says that it is "at the end of unnumbered births" that man attains to the true Knowledge of the blessed Bhagavan's self-effulgence. Yajnavalkya and others voluntarily gave up home and riches for the purpose of meditating on the same and thereby attaining to freedom from the bondage of Samsara. Tradition says that the marvellously-gifted Sankaracharya became a Sannyasin in his sixteenth year and wandered about from the Himalayas to Cape Comorin and even went to Persia lifting Maya's veil everywhere by his teachings and discourses. The ideal of absolute poverty is only possible for such as these, and not for others. There are many Yajnas which entail enormous effort and expenditure, —for example Asvamedha, Rajasuya, Visvajit, &c. Hence, the Indian state and people must be rich, and not poor. The Indian Grihasta (householder) must perform Yajnas, too, for the securing of the welfare of humanity, and most of them involve a good deal of expense. Not poverty, but riches, is our national and state ideal,—and Dharma needs and enforces it,

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Social and Religious.

The Bhagavad Gita.

With an English Exposition

By K. S. Ramaswamy Sastri, B.A., B.L.

(The substance of the lectures delivered at the Students' Sanatana Dharma Sabha Trichinopoly.)

ADHYAYA X.

(Continued)

एतां विभूतिं योग च मम यो वेत्ति तत्त्वतः ।
सोऽविकम्पेन योगेन युज्यते नात्र संशयः ॥ ७ ॥

He who knows in essential reality this manifestation and this yoga power of mine, becomes united to steadfast and unshakeable yoga; there is no doubt in regard to this.

अहं सर्वस्य प्रभवः मत्तः सर्वं प्रवर्तते ।
इति मत्वा भजन्ते मां बुधा भावसमान्विताः ॥ ८ ॥

I am the source of all; from Me everything proceeds. Realising this the wise, filled with rapt and rapturous devotion, adore Me.

मच्चित्ता मद्गतप्राणा बोधयन्तः परस्परम् ।
कथयन्तश्च मां नित्यं तुष्यन्ति च रमन्ति च ॥ ९ ॥

With their minds set on Me, with all their senses and life absorbed in Me enlightening one another about Me, and alwas declaring Me to all, they feel perfect contentment and rapture.

NOTES:

1. Sri Nilakanta points out that the last verse describes the devoted mood of still contemplation whereas this stanza describes the devotee's life in the practical world when he has come out of the stillness of meditation.

2. *Bodhayantah* refers to devotees in the company of fellow-devotees, each revealing to the others his inner spiritual realisations and raptures.

Kathyantah refers to devotees in the presence of non-devotees. The rapture of their realisation flows out like a fountain and demands and attains utterance even if no one will hear it. They utter His praise in the hope that that magnet will draw the iron of the worldling's heart.

तेषां सततयुक्तानां भजतां प्रीतिपूर्वकम् ।
ददामि बुद्धियोगं तं येन मामुपयान्ति ते ॥ १० ॥

To them, ever steadfast in yoga and who adore me with rapture, I grant the *yoga* (union) born of wisdom and vision, by which they shall attain Me.

तेषामेवानु कंपार्थमहमज्ञानजं तमः ।
नाशयाम्यात्मभावस्थो ज्ञानदीपेन भास्वता ॥ ११ ॥

For them alone, out of compassion and grace, I destroy the darkness born of ignorance by the shining lamp of wisdom.

Notes:

1. Sri Sankaracharya in a beautiful and rapturous passage describes thus the lamp of wisdom (jnanadipa): ज्ञानदीपेन विवेकप्रत्ययरूपेण भक्तप्रसादस्नेहाभिषिक्तेन मद्भावनाभिनिवेशवातेरितेन ब्रह्मचर्यादिसाधनसंस्कारवत्प्रज्ञावार्तिना विरक्तान्तःकरणाधारेण विषयव्यावृत्तचित्तरागद्वेषाकलुषितनिवातापवारकस्थेन, नित्यप्रवृत्तैकाग्र्यध्यानजनितसम्यग्दर्शनभास्वता ज्ञानदीपेनेत्यर्थः । The lamp of wisdom is that lamp which has the luminous continuity of discrimination, which is fed by the oil of clarity of devotion, which is kept up by the still wind of God-ward meditation, which is furnished with the wick of knowledge purified by the means of Brahmacharya and other holy agencies, which is situated in the pedestal of dispassion, which is placed in the wind-shattered niche of the mind turned away from the senses and safe from the tempests of desire and hate, and shinining with the flame of realisation caused by the steadfast and incessant practice of mental concentration.)

2, The simile of the steadfast light of the lamp is used elsewhere also in the Gita. यथा दीपो निवातस्थो नेंगते सोपमा स्मृता (Chapter VI). To dispel darkness. light has the necessary power and does not need any aid or accessory. Even so to dispel avidya God's grace in the form of vidya is potent and all-sufficing.

To be continued.

The Indian Caste System.

By J. S. R. Sarma.

The Scientific and economic basis (not to speak of spiritual), of Hindu caste system may be considered as indirectly coming to be recognised more and more by advancing philosophy and science. At any rate this inference seems permissible. In an article contributed to the Statesman, Mr. H. Reinheimer, a distinguished Biologist, and author of an important work on Evolution and Darwinism' makes certain observations as regards the 'Origin of Species' as proclaimed by Darwin. After criticising Darwin and his conclusions, in the course of a long review of the various theories and doctrines preached from time to time by eminent writers. Mr. Reinheimer observes truly and well:—'Although organisms work out their own salvation and exhibit many divagations in the effort, yet in the web of life, the good of the whole takes precedence of that of the individual and the preservation diversification and progress of life are all determined according to the contributions to the common good. Compared with these great issues, adaptation pales almost into insignificance;.........., it is *service* that is wanted, for it is service that in the end determines survival.......... In a letter to a friend he (Darwin himself commended the study of the causes of stability and efficiency in a species as the most promising way of discovering the secret of evolutionary success. Stability and efficiency, as we are now learning, depend on behaviour.........The one thing needful is co-operation, service, mutual aid, *for all organisms are bound to contribute each in its appropriate way* (Italics are mine) *to the welfare of the organic family as a whole,* on pain of degeneration and destruction. Darwin himself more than half suspected the truth when he likened the advantages of the *diversification of organisms in a given district to those of the division of labour between the organs of the individual body.* This, the application of the law of the members' to the domains of biology and physiology is now emerging into recognition.'

The 'statesman' quotes Mr. Reinheimer approvingly when it concludes its review of his article.—'The survival of a species, like the prosperity of a nation, depends in the long run, not on dexterity in overcoming foes or procuring food, but on the contributions it makes to the common good. 'Health and progress follow in the wake of socially good. behaviour, morlidity and degeneration in that of anti-social conduct or criminality'. Everything for the species, and for the wider community of which it forms part nothing for the individual—among the many Laws of Nature, the law of service stands supreme. To most thinking men, the doctrine will commend itself as more consonant with religious ideas than the antiquated nations of biology lately become fashionable with a section of our clergy. Mr. Reinheimer insists that in organic evolution as in individual development the decisive factor is psychological."

On a close study of the article, it would appear that a species—(a branch of it as for instance, the Hindu Society), to achieve a maximum of benefit for the social organism as a whole, would do well to ordain its life on the basis of interdependence and division of labour, each section of it contributing in its own appropriate way to the common welfare of the whole society. What else is the spirit and basis of the Hindu caste system? Why condemn it then and work heart and soul, in season and out of season to wipe it out of existence by advocating all sorts of reforms of outlandish and disindigenous character: D'ye, Social Reformers! Alas, for Dr. Gono's Civil Marriage Bill: God help us!

The Modern Girls.

By J. S. R. Sarma.

Here is a testimony of a Doctor in London as regards the dangers of the 'society life' of modern girls:—

Dr. Agnes Savill, in the course of a lecture he delivered at the Institute of Hygiene in Mail week is reported to have observed among other things that 'that the girl who goes to a University is liable to overstudy or to study all day and to indulge in social functions till late at night... ..; nowadays the girl dispenses with a chaperone, and even if she retains the old high standard of chastity her mind too often becomes poisoned, her ideas recede; she accepts the inferior outlook on life, and when she marries, the standard of her relationship to her husband, home and children is not a high one.'

'I have seen some of these girls, after a few years of Society life, aged by 10 years, and before the age of 20, as worn out and nerve-tired as if they were 40. The poetic life of continual excitement, the absence of all repose, all time for meditation, the perpetual change, the cigarette smoking irregular and unhealthy

meals—no wonder these girls become the prey of disease. And though the physical consequences are disastrous, even of greater importance is the evil effect of this life upon the character. 'Society life encourages the pernicious habit of the too frequent cigaratte ; it encourages the girls to take cock-tails and whiskies and sodas which ruin their digestion: it encourages them to take rich foods which upset the rhythm of the body.'

This is the considered opinion in England about girls pursuing higher studies and given to 'society life.' Female education and other privileges and functions now sought to be introduced, and zealously advocated for extension to women folk in India are bound to produce much the same results as noticed above by the learned Doctor. And yet will our Social Reformers and those other *liberal minded great men and workers* pay heed to these aspects of their activities and regulate their efforts in accordance with ancient Hindu ideals of Indian Woman hood ! Well a bold man he must be who will venture to pay an emphatic 'yes', for the tendency of the times is very depressing in the view point of a real Indian patriot, not of a spurious and imitation type worshipping in the altar of Western models and fashion. Any Social Reformer and worker who has accepted the ready made Western model has got to deeply consider the effects of the reforms he advocates which will ultimately manifest themselves on the society and community as a whole in the long run. In other words, he has to make a thorough study of human nature, of human psychology and to shape his efforts with a motto, 'Everything for the species and for the wider community of which it forms part, nothing for the individual.' As a result of this thorough study and intuitive experiences to boot, *it was that* the ancient Sages of India declared wisely and well:—

पिता रक्षति कौमारे भर्ता रक्षति यौवने

पुत्रो रक्षति वार्धक्ये न स्त्री स्वातन्त्र्यं मर्हति ॥

Also, it should be a matter of careful consideration on the part of modern day enlightened Social Reformers whether the type of womanhood they wish to manufacture would answer to the ideal proclaimed by the undermentioned most sublime sentiment and conviction of typical Indian womanhood·—

दीनो वा राज्यहीनो वा यो मे भर्ता स मे गुरुः

तं नित्यमनुरक्तास्मि यथा सूर्यं सुवर्चला ॥

and not to a type 'when *she marries, the stan dard* of her *relationship to her husband, home and children is not* a high *one*'

Historical and Scientific.

Lectures on Indian Music.

By M. S. Ramaswami Aiyar, B.A., B.L., L.T.,

Lecture IV.

(*Continued.*)

(2) *It must be transmitted to the ear through, not a vacuum, but a material medium such as air, water, or wood.* A bell rung under water is heard above the surface ; and a watch placed at one end of a table can be heard by applying the ear to the other end. The ordinary medium of sound is, however, air.

Be it noted that God has so constituted our ears that any sound reaches them, only after it passes through air, bone and fluid. For, in the external ear, the vibrations travel through air ; in the middle ear, through membranes and bones ; and in the internal ear, through fluid. It is the internal ear, where the auditory nerve begins, that is really important. Close, for instance, your ears and place a watch between the teeth : and you will hear the ticking, even though your ears are tightly closed. For, the vibrations pass through other bones of the head, instead of the first two divisions of the ear, and affect the fluid of the internal ear. Hence the internal division of the ear, more than others, must by the grace of God be hale and healthy in order to be able to hear and appreciate good music.

6. The vibrations of a body cause the contiguous layer of air to be alternately condensed and rarefied. These condensations and rarefications are propagated to the ear in spherical waves, called *Sound Waves.* At one time they move regularly and at another time irregularly and thus give rise to a pointed distinction between noise and musical sound. When a book falls flat on the floor, the sound heard is a noise ; while the sound given out by a tuning fork or the strings of a thamboora is a musical sound.

7. In three points musical sound differs, viz., Pitch, Intensity and Timbre. The pitch of a tone or musical sound depends upon the rapidity of vibrations, that is, upon how many vibrations occur at a time. The larger the number of vibrations, the higher the pitch ; and *vice versa.* Suppose the vibrations of the eight notes,* *Sa, Ri, Ga, Ma, Pa, Dha, Ni, Sa,* are 24, 27, 30, 32, 36, 40, 45, and 48 respectively ; then, every subsequent note is higher in *pitch* than that which precedes it.

8. The intensity (or loudness) of a tone depends on the extent (or amplitude) through which the particles of air oscillate and therefore increases or decreases with the greater or lesser amplitude of the vibrations which produce the note. The same sound will be much less intense (or loud) to one who is at a distance from the sounding body than to one who is near it. In addition to its varying inversely as the square of the distance, the intensity of sound depends upon the density of the air. The more rarefied the air is, the less intense the sound will be. At the top of Mont Blanc, where the air is very much rarefied, the discharge of a pistol is not heard, as easily as it does on the earth's surface.

9. Again, the same note will have a different effect upon the ear, if produced by two voices or two instruments, so that we recognise now something besides pitch and intensity. This something is analogous to quality and is called the *timbre* of the note. It is in connection with this timbre that the musicians speak of what is called 'Mouthing.' Indeed the mouth plays an important part in Voice-Production, inasmuch as the voice-training divides itself into three departments, viz , (1) Chest or the control of breath ; (2) Larynx or the proper use of registers ; and (3) Mouth or the production of good tone ; and inasmuch as the shaping of the cavity of the mouth produces the full resounding note (or resonance) and distinguishes the various vowel-sounds, viz, aa, ee, oo.

10. We shall now proceed to study something about a musical Scale and its Development. In connection with pitch, we studied that, of the eight notes, *Sa-Ri-Ga-Ma-Pa-Dha-Ni-Sa*, every subsequent note was higher in pitch than that which preceded it. These eight notes of the ascending order form a musical scale. But what was its origin? As, in Philology, a question arises, viz., "Thought or Language—which precedes which ? ;" so, in Music a similar question crops up, viz., "Singing or Scale—which

* A Bank *Note* represents a sum of money ; A Musical *Note* represents a musical sound.

precedes which?" The answer is not far to seek. Primitive thought, it is said, precedes primitive language. Quite similarly, primitive singing precedes primitive scale. For, which mother would wait for the scale to lull her baby to sleep with cradle songs? Even the chanting of Samaveda, which is doubtless the earliest form of Indian music, was first sung on an imperfect scale and was indeed preceded by still more imperfectly scaled systems of music, such as, *Archika* of single note, *Gathika* of double note, *Samika* of triple note and *Swaranthara* of quadruple note.* It was to a very late stage in the evolution of music that *Oudava* of quintuple note, *Shadava* of sextuple note, and the perfect scale of *Sampoorna* belonged.§ "We are apt to take it as a matter of course," observes Tylor, "that all music must be made up of notes in scale and that scale the one we have been used to, from childhood. But the chants of rude tribes, which perhaps best represent singing in its early stages, run in less fixed tones. One of the simplest scales was forced upon their attention by that early musical instrument, the Trumpet, which sounds the successive notes of "the Common Chord," viz., *Sa-Ga-Pa-Sa*, (C-E-G-C), on which the trumpeter performs the simple tunes, known as trumpet-calls." Another scale of five notes also pleased the people all over the world from the earliest times, viz, *Sa-Ri-Ga:Pa-Dha-Sa*, (C-D-E-G-A:C), which scale is known, in North India, as *Bhuphalian* and, in South India, as *Mohana*. The South Indian name is indeed descriptive of the nature of the scale and literally means 'enchanting or fascinating.'

11. It is a musical fact that an instrument can produce the sounds of the *lower* notes much better than the voice and that, in vocal music, the more 'telling' notes are the *higher* ones. Hence a scale, conceived with the help of an instrument, invariably runs in the *ascending* order, starting from the 'lower' notes; while a scale, conceived with the help of the voice, runs, in the *descending* order, starting from the 'higher' notes. For example, the earliest scale of Europe, viz., "*Sa-Ga-Pa-Sa*" (C-E-G-C), discovered with the help of the trumpet, was ever regarded as an ascending series; while the earliest scale of India, viz, "*Ga-Ri-Sa*" (E-D-C) discovered with the help of the voice, was ever regarded as a descending series. Indeed the primitive scale of "*Ga-Ri-Sa*" was the primal chord of Samaganam and those three notes, Panini called respectively *Udatta* (high tone), *Anudatta* (lew tone), and *Swaritta* (a commingling of both)‡ Another proof that the primal chord of Samaganam was "*Ga-Ri-Sa*" is to be found in the numerical way of naming them at a later stage of the Samaganam. "Ga" was called *Prathama* (1st); "Ri" *Dwitiya* (2nd); and "Sa," *Tritiya* (3rd.) When this "*Ga-Ri-Sa*" evolved itself to be a tetrachord,* "Ni" was tacked on to it and thus became the fourth Swara, called *Chaturtha* (4th). Thus the primal tetrachord of Samaganam was "*Ga-Ri-Sa-Ni*", called respectively Prathama, Dwitiya, Tritiya and Chaturtha. Later on, a higher note was added, to which the name of *Krushta*† was given; and two lower notes, called *Mandra*§ and *Athiswarya*,$ completed the Saman Scale‡ and made it perfect—which was, according to Naradasiksha, "Ma-Ga-Ri-Sa-Ni-Dha-Pa," named respectively Krushta, Prathama, Dwitiya, Tritiya, Chaturtha, Mandra and Athiswarya. But *Samaparibhasha* has given the same names, viz, Krushta etc., respectively to "Ni-Dha-Pa-Ma-Ga-Ri-Sa," Perhaps they represent different stages in the growth of Samaganam. Be that as it may, suffice it for us to remember that the Saman Scale, even when perfect, was a descending‖ series and that it had a set of names far different from the modern one.

12. The names of the notes that mark the modern scale are, it is well-known, Shadja, Rishabha, Gandhara, Madhyama, Panchama, Daivata and Nishada. Are these names merely fanciful or really pregnant with meaning? It is said of Guido Aretinus, the inventor of the European *tonic-solfa*,[5] that he got the "solfa" directly from heaven, though, the grave historians are of opinion that one day Guido heard the following hymn of St. John the Baptist, sung in the Church, viz,,

> *Ut*quean laxis *Re*sonare fibris,
> *Mi*ra gestorum *Fa*muli tuorum,
> *So*lvi polluti *La*bia reatum;"

marked the iteration or the frequent return of the words containing the syllables, italicised in the above hymn, viz, *Ut*, *Re*, *Mi*, *Fa*, *So*, *La*; singled them out for the purpose of his tonic-solfa and added *Si* to complete the seven notes of the European Scale, which when so completed, was sung as—

> *Ut, Re, Mi, Fa, So, La, Si, Ut;*

and which was modernised into—

> *Do, Re, Mi, Fa, So, La, Si, Do.*

Is there any similar account, or any account at all, of the Indian tonic solfa or sapthaswaras?

13. An account there *is*, though not a similar one. While the European tonic solfa came out full-fledged from out of a hymn, sung in the Church; the Indian sapthaswaras took their own time to grow and got their present names in different periods of the history of Indian Music. Why, have we not noted that the old names of the seven notes of the Saman Scale were not simultaneously baptised, like the European tonic-

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* अर्चिकं गाथिकं चैव सामिकं च स्वरान्तरम् ।
एकान्तरः स्वरो ह्यृक्षु गाथासु द्व्यान्तरः स्वरः ।
साम सुत्र्यन्तरा विद्यादेतावत्स्वरतोन्तरम् ॥
—Narada Siksha.

§ (सं)पूर्णः स्यात्सप्तभिः स्वरैः । षड्भिः षाडवसंज्ञः स्यात् औडवः पंचभिः स्वरैः ॥—Bhavabatta.

‡ उदात्तश्चानुदात्तश्च स्वरिताश्च स्वरास्त्रयः । उच्चैरुदात्तो नीचैरनुदात्तः समाहारः स्वरितः । Panini, in his *siksha* further dilates on the point, thus: उदात्तो निषादगान्धारानुदात्तऋषभधैवतौ स्वरितप्रभवाह्येते षड्जमध्यमपंचमाः ॥ That is, 'Udatta' include *Ni*, and *Ga*,; 'Anudatha.' *Ri* and *Dha*; and 'Swaritha,' *Sa*, *Ma* and *Pa*. This view fits in with the theory of 'Vadi, Samvadi, Anuvadi and Vivadi.' which will be explained later on. Of the primal chord '*Ga Ri Sa*,' Ga includes its samvadi Ni; Ri, its samvadi Dha; and Sa, its samvadi Ma and Pa.

* Tetrachord means *a group of four notes*.

† 'Krushta' means *High*. Kallinath calls it *Uthkrishta*.

§ 'Mandra' means *Low*.

$ 'Athisvarya' means *Extrimity*.

‡ The authorities for the Saman Scale range from *Rikprathisakya* (4th century B. C.) to Narada Siksha (12th century A. D.) I fellow Naradasiksha. The names given by Kallinath in his Commentary on Sangitharatnakara are: सामनि ह्युत्कृष्टप्रथमद्वितीयतृतीयचतुर्थमण्डादिस्वार्थाख्याः सप्त स्वराः ।

‖ अथ क्रुष्टादेः सप्त स्वराः उत्तरोत्तरं नीचा भवन्ति (The sama Notes (Koughta etc) are, in pitch, in the descending order—Narada Siksha.

N. B. The Greek Scale, also it is said, was a descending series.

solfa, but got into the scale slowly and one after another and in different periods of time? One proof that even the modern names could not have been simultaneously given, Mr. Fox Strangways adduces: "Madhyama and Panchama are next-door neighbours. And of these Madhyama appears to be the older name, that is, to be applicable to an earlier state of the scale. They can hardly be contemporaries, for otherwise they would have been called *Chaturtha* and *Panchama*."

To be continued.

Legal.

The High Court on Inter-Marriage.

By G. Harischandra Row.

(*continued*)

I now take three extracts from the judgment of Justice Holloway, the second Judge in this case. He says "As the twice born man is instructed to marry a wife of the same class with himself, the reasonable inferrence is that upon one not twice born the precept is not binding." (p. 484). According to his Lordship, the precept is binding on the twice born; that is to say, they must marry a wife of the same caste, not one from a different caste. As for illegitimacy, he expresses himself thus "That the son of a Sudra and of a woman between whom there has been no formal ceremony of marriage inherits to the Sudra is clearly shown by the authorities quoted at page 49 of the seventh volume of Moores Indian Appeals; and the decision of the Judicial Committee that the illegitimate son of a Kshatriya could not inherit went precisely upon the ground that the father was one of the twice born tribes. The whole tenour of the judgment shows that if the father had been a Sudra, the son's right to inherit would have been unquestionable, It follows that the illegitimate son of a Sudra is not an out caste." (p. 484.). The Judge concors with the Privy Council in holding that illegitimate sons of the twice born have no right to inheritance. He, further, thinks that inheritance is connected with caste, so that an out caste (or out caste) is not entitled to inheritance. If his Lordship had thought that an out caste could inherit his father's property, his Lordship would not have taken pains to establish that the illegitimate son of a Sudra was not an out caste unlike the illegitimate son of a Brahmin, a Kshatriya, or a Vaisya. The Judge makes the following remark about the opinion of the Pandits "More over, it is not invalid if it took place, because of the difference of caste. The opinion of the Pandits, is as usual, vague and unsatisfactory." (p. 484). Had the Pandits been asked if there had been any custom of inter marriages between the two subdivisions of the Sudra caste to which the parties in this case were supposed to have belonged, the answer given would have been with reference to that. But having been questioned about the validity or otherwise of inter caste marriages, they declared in clear terms that such unions would not be valid according to scripture. If the parties belonged to the same caste, though to two different sections of it, the prohibition of inter caste marriages would not apply to them; then the quesrion would be left to custom; the Court in the present case, therefore, should have ascertained what the custom had been, instead of accusing the Pandits of ambiquity, It may be observed, that among the Sudras several variations have set in in manners and customs, so that some have formed themselves into distinct groups and lived separate for centuries; if, for instance, we went to a Sudra of one group and proposed to him marriage with a girl of another group, he might feel himself offended by the proposal.

(2) Sri Gajapati Hari Krishna Devi Garu-v-others (Madras High Court Reports, Vol. II, p. 369), of April 22, 1865. In this case two points are involved, first the caste of Gopinatha, second the status of the plaintiff. As to the first the Court observes thus—"Dealing first with the caste of Gopinatha, we cannot but come to the conclusion that his mother was not a Kshatriya." (p. 373). As regards the second the following remarks are made—"We are unable to adopt the view of the Civil Judge that concubinage and connexion by a Gandharva marriage are much the same thing. If there had been such a marriage with Sunni, the mother of plaintiff, it would have been necessary to consider, if Gopinadha was a Kshatriya, whether that marriage would have not been perfectly valid; being clear, however that he was not Kshatriya, it is plain that this privilegium of the second class cannot attach. It is unnecessary, therefore, to say, and we do not say, whether such a marriage of a Rajput would or would not have been valid. We see no reason, however, to believe that a marriage ceremony of any kind took place between Gopinatha and Sunni. In our view, she was a mere concubine, and probably one of many others, and the plaintiff is the reputed son of Gopinatha by her. He is, therefore, the illegitimate son of a man of one of the mixed classes, between the second and the third of the regenerate classes, and this being so, he has no title to inherit by the ordinary rules of Hindu Law, Moore's Indian Appeal, Vol. VII., p. 18." (p, 374.) The law that debars the illegitimate issue of a twice-born male is here applied to the son of one who is supposed to stand between the Kshatriya and the Vaisya castes; for, says the Judge "So far as the matter is involved in the present question, the rule of inheritance, *ex parte paterna*, depends entirely upon the caste of the father, and there is express authority that the illegitimate son of no caste above the Sudra is entitled to inherit. So far, therefore, as it depends upon the ordinary rules of law, there is no right in the plaintiff." (p. 374.). The arguments in the judgment may be set forth thus:—

Gopinatha's father was Kshatriya.
Gopinatha's mother was Non-Kshatriya.
Threfore, Gopinatha was Non-Kshatriya (occupying a position between Kshatriya and Waisya).
A Non-Kshatriya is not entitled to the Gandharva form of marriage.
Gopinadha is a Non-Kshatriya, and therefore not entitled to it. The issue (plaintiff) is illegitimate.
No illegitimate son of a twice-born man (or of a man midway between Kshatriya and Waisya) would be entitled to inheritance.
Gopinatha's son (plaintiff) was such a son.
Therefore he would not be entitled to inheritance.

If Gopinadha had been a Kshatriya, then the question connected with that caste would have been discussed; but since he was not regarded as Kshatriya at all, the propriety or otherwise of the Gandharva form was not considered. In other words, this form would not apply to Gopinadha, for he was no Kshatriya; now was there any evidence of the ordinary ceremony having been gone through; consequently, his relation with Sunni was declared illegal; and the fruit of that union, as illegitimate, was debarred from inheritance. Illegitimate sons do not, according to this decision, enjoy an equal status. Again, in this case, as in may others, the argument advanced by one party is that Gopinadha was no Kshatriya, that Sunni was one, and that therefore their union was not valid, even if a formal marriage ceremony had been performed; their connexion being thus invalid, this woman deserved no support from the property of that man. With regard to this the

Court observed thus—"Then comes the question whether Gopinadha's wife, being a Kshatriya, can be entitled to share, because the marriage is, as is contended, illegal. We do not think that even if the marriage were illegal the argument could prevail, because, in our view of the matter, Gopinatha's wife would take as *persona designata*...Even if, therefore, the ceremony of marriage did not really, constitute a valid marriage, we should consider this woman entitled to share because united to Gopinadha by a regular marriage ceremony." (p. 377). The regular marriage ceremony seems to be one conceded for the sake of argument; it is not real; otherwise, it conflicts with the concubinage accepted in the words—"We see no reason, however, to believe that a regular marriage ceremony of any kind took place between Gopinadha and Sunni. In our view, she was a mere concubine..." quoted above. Every act of marriage, in the opinion of the Judge, may not be valid; a marriage, for instance, between two different castes will not be valid; nor can the woman's title to maintenance validate such a union. The case is one of Tekkali, in the Ganjam District.

(3) Thangam Pillai-v- Suppa Pillai of August 1888 (Indian Law Reports, Madras Series, Vol. 12. p. 403) before Justice Muthusami Ayyar and Justice Wilkinson. I quote from the judgment—"It was also observed in the case of Ranoji-v-Kandoji, in Rajagopala-v-Doraisami, and in Parvathi-v. Thirumalai, that the ordinary incident of the status of an illegitimate son was a right to be maintained; that among Sudras, a specific share was alloted as a special case on account of the limited importance attached to ceremonial offerings rather than a recognised laxity of marriage tie, and that the inferiority of his status in the family was marked by reducing his share and making him a co-heir with the legitimate daughter and her son." The illegitimate son of a Dwija male has a right to maintenance only, whereas one of a Sudra is entitled to a specific share; so it is wrong to say that illegitimacy affects the sons of all caste men equally. Again, the illegitimate son of a Sudra male occupies a position inferior to that occupied by a legitimate one; so it is wrong to suggest that illegitimacy does not affect the Sudra caste. Nor is it true that the specific share referred to indicates a laxity of morals among the Sudras; for, in the opinion of the Judges, this allotment is due to the limited importance attached to ceremonial offerings in the case of a Sudra.

(4) Brindavana-v-Radhamani (Indian Law Reports, Madras Series, Vol. 12, p. 72). Mr. Collins and Mr. Muthusami Ayyar were the Judges who tried this case; it belonged to the Year 1888. The disputed property is the Zamindari of Tekkali in the Ganjam District. Krishnachandra Des is the son of Padmanaba Des (Kshatriya) and Padmamala (of doubtful origin). Krishnachandra has two wives, Nilamani and Radhamani (both of the Kshatriya caste), and a concubine named Priyavati. One party argues that Krishnachandra, as the son of Padmamala who is no Kshatriya and who is further not the married wife of Padmanabha Des, is a Sudra; for a legal marriage the caste of the husband and that of the wives must be one and the same; Krishnachandra' being a Sudra, cannot legally marry the Kshatriya ladies, Nilamani and Radhamani; Radhamani, being thus no wife of Krishnachandra, has no right to adopt a son; Priyavati's relation to Krishnachandra being therefore in no way inferior to that of the two Kshatriya women, Priyavati's son by Krishnachandra must succeed to his property. Now, the Judges accept the principle that for a valid marriage the husband and wife must be of the same caste; otherwise, their Lordships would not trouble themselves about the caste of Padmamala or the caste of her son-for, in that case, they would dismiss the question of caste with the remark that equality of caste is not essential to the validity of a matrimonial alliance. At the outset the Judges say "The main question for decision in this appeal is whether Krishnachandra was a Sudra or one of the regenerate classes within the meaning of s. 12 ch. I of the Mitakshara." (p. 74.) In answering this, their Lordships first refer to Padmamala's caste, conjecturing that she must probably be the daughter of Kshatriya parents—"But when it is shown that her father and brother observed the rules prescribed for Kshatriyas, it would not be unreasonable to presume, in the absence of distinct evidence to the contrary, that their mothers were at least of a caste which did not, according to the notion of the Kshatriyas in this part of the country, incapacitate them for the Achara (Dharma) they were accustomed to follow." (p. 86.); and then mention Krishnachandra's caste—"We are, therefore of opinion that the District Judge was right in holding that Krishnachandra was not a Sudra, and that he was atleast an Ugra or of a higher caste than a Sudra" (p. 86). The father and mother may be both Kshatriyas; yet the son remains a Non-Kshatriya, when no marriage is proved between his parents; for scripture clearly requires, for *savarnatva* or sameness of caste, not only that they must be of the same caste, but that they must be duly joined in wedlock; Krishnachandra, therefore, who is not a Kshatriya, may not be eligible to marry Kshatriya girls. Even if he be an ugra, he would not be eligible; for an ugra is inferior to a Kshatriya, and as such not qualified to wed a Kshatriya woman. Krishnachandra, however, cannot be even an ugra; for the term refers to the *anuloma* form of marriage, and not to actual concubinage, as the Judges themselves observe—"This rule refers to married sons begotten by what was called Anuloma marriage, or on wives whose caste was inferior to that of their husbands." (p. 79).

But the Judges think that no evidence of a marriage between Krishnachandra's parents exists—"It is not shown that Padmamala was the married wife of Padmanaba or that Krishnachandra was born to him in wedlock." (p. 76). Krishnachandra, therefore, must be illegitimate. As illegitimate he must be ineligible, one would suggest. But the Judges attempt to meet this objection thus—"We entertain, therefore, no doubt that, according to the belief of the class, illegitimate descent does not operate to degrade the offspring to the position of Sudra, or deprive them of the social position of Kshatriyas, though it is in evidence, and very probably the case, that pure Kshatriyas do not eat with them and regard them as an inferior class on account of their illegitimate descent." (p. 78). Is this not an admission of degradation? If the illegitimate son is not a Sudra, he is not even a Kshatriya; the position assigned to him is, therefore, midway between the two castes; he is neither a beast nor a bird; and yet there is no degradation! The Court bases this strange notion on the belief of the class in the Ganjam District. It is doubtful if such a belief exists there; and even if it does, it does not affect the law concerning the Kshatriyas in other parts of the country. The Court, any how, takes into consideration the view taken by the kinsmen in regard to one's position; that is to say, the Court refers to custom, being aware of the fact that the law is at variance with it; the question is, what the law is, and the Court does not state the law as something different from what it is generally accepted to be; *the belief of the class* in the Judgment, therefore, cannot alter the law. Again, one's "caste" may not *incapacitate* one for the *Achara* (*Dharma*) one is *accustomed to follow*; but the "caste" may not necessarlly be the caste for which the particular

Achara or Dharma is prescribed; a son by the *anuloma* form of marriage, for instance, may adopt some of the customs obtaining in one caste, although he is evidently not of that caste; identity of ritual, therefore, may not signify an identity of caste. Then again, the Judges recognize the authority of *Vaidyanatha Deekshiteeya*—"*Waidyanatha Deekshiteeya*, a modern commentary of authority in the southern district." (p. 80.); this work clearly prohibits inter-caste marriages in this age; and, therefore, their Lordships must accept Vaidyanatha's decision. Further, they observe as follows—"Though the illegitimate children of members of the regenerate classes are excluded from inheritance by the author of the Mitakshara, they are substantially recognised by him as members of their father's families for purposes of maintenance; and the absence of legal marriage is, in our judgment, so far to the determination of their caste with reference to the law applied to the *anulomajas*, the point in analogy being the conventional notion in regard to the superior efficacy of the seed." (p. 85). The determination of the caste shows its importance in the eyes of their Lordships, though in applying the analogy they err. They seem to think that seed is seed whether solemnly sown or not, forgetting that people believe in the value of its solmnization on an auspicious occasion. Similarly, people believe that the union of a male and a female sanctified by matrimony will produce offspring better than that produced by more physical union. No person says that one is not the son of one's father; and if the son, because he resembles his father, is of the same caste as his father, then why should not the son be regarded as possessing the caste of his mother because he resembles her in certain other particulars? Caste is derived from both father and mother, not from the father alone; and is derived from both of them united by a solemn marriage ceremony, not under the influence of lust merely. Even when the parents are of the same caste, there being no marriage between them, their son would be illegitimate; when they are of different castes, the issue would be still more so. Again, if the son of an illegitimate parent could inherit his caste, why should not the son inherit the illegitimacy of the father? The son of an illegitimate father is an illegitimate son; and he inherits caste with illegitimacy, so that the illegitimate son of an illegitimate Kshatriya must be an illegitimate Kshatriya, not a legitimate one! Whatever may be the caste of such a person, it is important to note that the Judges have declared him to be eneligible for inheritance. Will Mr. Justice Sha (of the Bombay High Court) who cites this case with elation accept this conclusion? No, he wants the caste only, the caste that disinherits the man!

(*To be continued.*)

Miscellaneous.

The League of Nations.

2. Constitution and Machinary.

(THE PUBLICITY BUREAU, MADRAS.)

The broad outline of a Constitution for the League of Nations was laid down by the Paris Conference and is contained in Articles 1 to 7 of the Covenant. It was decided to set up two main bodies to be called the Assembly and the Council to deal with large questions of policy and to discuss any matters referred to the League. These bodies have coordinate general power to deal with any matter within the sphere of action of the League or affecting the peace of the world but neither can decide any question expressly commited to the other.

The Assembly must however be kept informed of the work of the Council and to it have been reserved certain important functions such as for instance amendments to the Covenant. It consists of the representives of all members of the League. Each State is entitled to send three delegates but has only one vote. The Council may be divided into two sections, 1. the Great Powers, England, France, Italy and Japan (America having declined to enter the League) who are permanent members and 2. Lesser Powers, at present represented by Belgium, Spain, Brazil and China who are temporary members selected by the Assembly. The main object of having these two bodies is to facilitate the transaction of business, since it might be difficult to get together representative meetings of so large a body as the Assembly. The distinction between the Great and the Lesser Powers may seem at first sight contrary to the spirit of equality but the world-interests of these Powers are incomparably greater than those of any other member of the League and in adjusting the principle of equality to the very unequal position of the various States this is the most important consideration. It has been objected that on the principle of population it is unfair that China with her 400 millions should only have an equal vote in the Assembly with some small South American State numbering only a few hundred thousands. A little reflection however will shew that this is not unfair. For the States must be considered as units. The delegates represent the entire mass of the people who, on the principle of nationality, are expected to have a common interest and that interest is in any given case a single one. It may be that the country is divided on the subject: if so, the will of the majority should prevail at any rate as working hypothesis, for it may chance that the opinion of the minority is the sounder view. If so, it is for them to persuade the others. And if the Government of the country does not truly represent its feeling, it is for the country to elect a new Government, With that the League has nothing to do,

But you may object the Government of India is not removable at the will of the people. How then can the delegates be said to represent the wishes of the people and what is the remedy if they do not? The answer to this objection lies in the fact that there is as yet no adequate machinery for ascertaining the wishes of the people. The representatives in the Legislative Assembly can only speak with the voice of the voters who are at present a very small fraction of the whole community. The defect is in the political ignorance of the people and no one has ventured to propose a universal or even a much extended franchise at this stage. The democratic institutions of India are almost contemporary with the birth of the League of Nations, for preparations for the First Assembly of the League were only begun in November 1920. It could not be expected that India would attain her full democratic stature and so come into line with the older democratic nations during a period when the League itself was only just beginning to formulate its procedure.

But although the Great Powers are permanent members of the Council and in fact form half of it, there are two safeguards against any domination over the world's affairs. The smaller nations are represented by elected delegates who have therefore a responsibility to the whole Assembly and these nations at present are drawn from Europe, Asia, and America, the whole world if we exclude Australia and Africa as being too closely connected with Europe. Moreover the resolution of the Council must be unanimous It might be thought and it was at one time freely said that this provision was unpractical but there has

hitherto been no difficulty and the check which is thus imposed upon the Great Powers is too valuable to be sacrificed.

But some have said 'that is very well but whether they have the vote or not the Great Powers will always have their way because of their preponderating influence. You cannot make rnles to prevent that.' The case of Upper Silesia meets this objection. Silesia is a province of Prussia conquered from Australia by Frederick the Great. The important part of it containing the mines and the industrial towns was first awarded to Poland by the Treaty of Varsailles but upon the protest of Germany was latter reserved for the decision of its inhabitants, (that is to say for a plepiscite) whether they would prefer to being to Germany or to Poland but so complicated was the voting that no decision seemed possible. France took the Polish side; England inclined to the German view. Germany hoped to get the whole with the assistance of England, Poland relied on France to obtain the whole for her. When the case was referred to the League, the French feared that Japan and Italy which leaned to the English view would turn the scale; in other words that the preponderance of the Great Powers would leave France in such a minority that she must either submit or be responsible for wrecking the conference or the Council. But the League supported neither Power. It took a wholly impartial view and whether its decision was wise or unwise it was made clear that neither influence of England nor of France was responsible for it. This is the principal instance of the absolute impartiality of the League, though the interests of the Great Powers were involved. The seat of the League is at Geneva in Switzerland. This however does not give it a European character. There must be a recognised meeting place and that place must be in Europe both because the large number of States in Europe and their more complicated interests provide more questions for the League than arise in other countries and because the facilities for travel are greater. To realise this you have only to imagine how inconvenient it would be to hold meetings in Pekin, Tokio or Calcutta. But you may ask why should not the League meet in different centres as the Congress does in India. The answer is that the League works with a permanent Secretariat consisting of over 300 persons and this staff prepares the business. The official languages are English and French which are more universally spoken than any other and consequently a knowledge of either of these is essential though that does not debar Indians from joining the Secretariat since so many of them can speak and write English.

The Principal work of the Assembly is:—

1. The election of the four Lesser States to the Council.
2. The admission of new Member States.
3. The election of Judges of the Permanent Court of International justice.
4. Amendments to the Covenant.
5. Settlement of disputes referred to it by the Council of its own motion or by the request of either party to the dispute.

N. B. In the first of these cases the Council may, in the second must, refer such disputes.

The duties of the Council are principally to solve the problems submitted to it and generally to carry on the work submitted to it in the first instance by the Committeee set up to investigate special branched e.g. Reduction of Armaments, Finance, Mandates, etc., Amongst its other duties it has been entrusted with the task of forming plans for limitation of Armaments of acting as a political mediator between States and advising upon the action to be taken in case of a breach of Article X of the Covenant.

The rules have been framed with a view to great elasticity and the meetings of the Assembly are held in public. The Council has sometimes met in private but this procedure has been much criticised and there is now a tendency to hold every meeting in public. It has been said that 'publicity is the life-blood of the League and without it, it cannot continue to discharge the very difficult and important functions which have been submitted to it.' At the outset of its carreer it was thought absolutely necessary that there should be no suspicion attaching to its deliberations and it was obviously wise not to hamper it with such rigid rules as would make it ineffective. Publicity and elasticity may be called the oil which keeps machine in working order.

But the settlement of the International disputes by the Council or the Assembly is a rough and ready method based upon expediency, for the delegates are primarily politicians and not jurists. There may be questions which require judicial treatment and for a long time past it has been felt that there should be some kind of a Court which could deal with international affairs on a legal basis. The celeberated case of the 'Alabama' a British vessel which furnished war material to the Southern States in the American war of Secessie produced a number of intricate points of international law which could only be satissfactorily settled by experts. The principle of arbitration had made rapid strides during the 19th century. It remained to coordinate the experience and to place the authority in the hands of a recognised body of jurists and this has now been done by the establishment of Permanent Court of international Justice. It is the natural evolution of the Hague Tribunal which provided that each of the disputants should choose an arbitrator from a list of selected names and that these two should jointly choose a third. The Court of the League is of the kind familiar to every one in India as the High Court, whether of Bombay, Calcutta or Madras. The Court is formed under Article 14 of the Covenent which provides for judicial settlement as an alternative to inquiry by the Council or by arbitrators. There are 11 regular judges and four deputy judges. They are chosen by the Assembly and the Council working independantly, so that the smaller Powers have an equal chance with the Great of enforcing their wishes. An elaborate procedure has been devised for the actual selection but the details of it hardly come withim the scope of this short pamphlet.

The League has been criticised for not having accomnlished more in these first years of its working but it is obvious from this brief account that the mere setting up of the machinery was no light task. You cannot blame a motor car for not running before the parts have been put together. We must remember that this is not an ordinary gathering such as, let us say, the Legislative Councils or the Congress. In such cases the members or delegates can be got together, easily, and working rules can be framed upon well known lines which suffice for the elementary stages. But when you have the representatives of many nations meeting together, each with a different national system and each at the outset rather jealous lest any of its sovereign right should be injured, the difficulty is greatly enhanced of preparing such rules and such procedure as will satisfy all. We must also remember that the League started with no staff at all: the members of the Secretariat had to be collected and divided into sections, Committees had to be set up and the whole placed on a footing to allow of the holding of the First Assembly. Surely the wonder is not that the League has done so little but that it has been able to accomplish so much.

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